

## In the United States Court of Federal Claims

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LANCELOT B. HAINES,

Plaintiff,

v.

UNITED STATES,

Defendant.

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No. 19-26C

Filed: July 16, 2019

### ORDER

On January 2, 2019, plaintiff filed his complaint in the above captioned case. On May 3, 2019, defendant filed a motion to dismiss. Plaintiff's response to the motion to dismiss was to be filed on or before May 24, 2019. On June 10, 2019, plaintiff submitted a filing to the Clerk's Office titled: "Plaintiff's Opposition to Defendant's Motion to Dismiss." The Clerk's Office did not file plaintiff's submission because the filing was not in compliance with Rules 5.3, and 5.5(d)(2) of the Rules of the United States Court of Federal Claims (RCFC) (2019), specifically, the proof of service was missing. On June 11, 2019, the court issued an Order instructing the Clerk's Office to return plaintiff's June 10, 2019 submission, and to file a corrected response to defendant's motion to dismiss on or before June 28, 2019.

On July 15, 2019, the Clerk's Office indicated that the court's June 11, 2019 Order was returned because the mail was not delivered to the address provided by plaintiff. Plaintiff, therefore, did not comply with the court's instruction to file a corrected response to the motion to dismiss by June 28, 2019. Plaintiff has both failed to comply with the court's instructions and has failed to prosecute his claims. Therefore, pursuant to RCFC 41(b), plaintiff's complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

  
MARIAN BLANK HORN  
Judge